

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD WILLARD TURNER,

Plaintiff,

v.

FIRST HORIZON HOME LOANS, et al.,

Defendants.

CASE NO. C12-5962 BHS

ORDER DENYING MOTION
FOR TEMPORARY
RESTRAINING ORDER

This matter comes before the Court on Plaintiff Ronald Willard Turner's ("Turner") motion for a temporary restraining order (Dkt. 2).

On November 6, 2012, Turner filed a complaint and a motion for a temporary restraining order to enjoin the Trustee's sale of his home "scheduled for October 20, 2012." *Id.* at 2. Turner requests relief pursuant to RCW 7.40.020 and RCW 61.24 *et seq.* *Id.* at 5.

As an initial matter, if the sale was scheduled as Turner states, there is no need to enjoin a sale that has already occurred. Although Turner may have made a mistake as to

1 the date of the Trustee's sale, Turner has failed to show that any preliminary relief is
2 warranted.

3 With regard to RCW 7.40.020, no injunction shall issues unless the opposing "has
4 had reasonable notice of the time and place of making application" or, without notice, "in
5 cases of emergency to be shown in the complaint" RCW 7.40.050. Turner has
6 failed to show either that the opposing parties have notice of his motion or that an
7 emergency exists on the face of the complaint. Therefore, the Court denies his motion on
8 this issue.

9 With regard to RCW Chapter 61.24, no injunction shall issue unless "the applicant
10 pay[s] to the clerk of the court the sums that would be due on the obligation secured by
11 the deed of trust if the deed of trust was not being foreclosed." RCW 61.24.130. Turner
12 has failed to show that he is willing or able to pay to the clerk of the court the sums due
13 on his obligation. Therefore, the Court denies his motion on this issue.

14 **IT IS SO ORDERED.**

15 Dated this 7th day of November, 2012.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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